

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10225 of 2022

Shyam Oram

....

Petitioner

Mr. U. Barik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Learned counsel for the State on instruction submits that notice was sent on 17.12.2022 in terms of the order dated 08.12.2022. On instruction, it is brought to the notice of the Court that the victim and her families are not available at their given address for which notice could not be served.
3. The petitioner is an accused in Spl. G.R. Case No.46 of 2022, pending on the file of the learned ADJ-cum-PO Special Court (POCSO), Sundargarh arising out of Udit Nagar P.S. No.22 of 2022, for commission of alleged offences under Sections 376(2)(n)/376(3)/313/506/34 of IPC read with Section 6 of POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-PO Special Court

(POCSO), Sundargarh, by order dated 08.09.2022 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the State on instruction submits that the petitioner is not residing at her stated address for which notice could not be served. Since the petitioner is in custody since 18.03.2022, this Court proceeds to hear the matter on merits.

6. It is submitted by the learned counsel for the petitioner that since the charge sheet has already been filed, his further continuance in custody is not warranted.

7. Perused the 164 Cr.P.C. statement of the victim.

8. Considering the tenor thereof, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Accordingly, the BLAPL stands disposed of. Liberty is granted to the informant/victim to seek variance of this order in the peculiar factual matrix of the case at hand regarding R.E. notice.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi